

**HENDRICKS COUNTY  
REGULATING SOLID WASTE PROCESSING FACILITIES  
AND SOLID WASTE LAND DISPOSAL FACILITIES**

**ORDINANCE NO. 1998-12A**

Whereas, the Hendricks County Commissioners find it necessary to regulate the processing and disposal of solid waste in Hendricks County, and

Whereas, Hendricks County relies on the expertise of the Indiana Department of Environmental Management (I.D.E.M) in developing state wide rules regarding the processing and disposal of solid waste; and

Whereas, the I.D.E.M. regulates these facilities through 329 IAC 10,11, and IC 13-20;

Be it Ordained and enacted by the Board of County Commissioners of Hendricks County, State of Indiana, Ordinance # 1,A- regulating the processing and disposal of solid waste on lands situated within Hendricks County, Indiana, requiring permits, and providing penalties for violations thereof to read as follows:

**Section 1. Definitions Specific to This Ordinance**

Health Officer - shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20

**Section 2.** The owner of and/or operator of any solid waste processing facility or solid waste land disposal facility located in Hendricks County, State of Indiana, shall operate the facility in compliance with the terms and conditions contained in this Ordinance.

**Section 3.** (a) Hendricks County will regulate Solid Waste Land Disposal Facilities by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of 328 IAC 10:Rule 1. General Provisions, Rule 2. Definitions, Rule 3. Exclusions, Rule 20. Municipal Solid Waste Landfills; Operational Requirements, Rule 22 Municipal Solid Waste Landfills; Closure Requirements, Rule 23. Municipal Solid Waste Landfills; Post-Closure Requirements.

**Section 4.** (a) Hendricks County will regulate Solid Waste Land Disposal Facilities by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of 329 IAC 11: Rule 1. General Provisions, Rule 2. Definitions, Rule 3. Exclusions, Rule 13. Solid Waste Processing, Facilities; Operational Requirements, Rule 21. Transfer Stations.

(b) The incorporated materials are available for public review at the office ,,-

of the Hendricks County Health Department.

(c) Where exceptions (exclusions) to incorporated state rules are necessary, these exceptions will be noted in the text of this ordinance.

(d) The incorporation of state regulations as a county ordinance does not negate the requirement to comply with state regulations which may be effective in Hendricks County which are not incorporated in this ordinance or are retained as state authority.

**(e) EXCEPTIONS (exclusions):**

- (1). 329 IAC 10-1-5                      Variances
- (2). 329 IAC 10-3-1-(5)                Segregated Wastes
- (3). 329 IAC 10-20-11                Surface water run-on and run-off control
- (4). 329 IAC 10-20-12                Erosion and sedimentation control
- (5). 329 IAC 10-22-6                Final cover requirements - new
- (6). 329 IAC -10-22-7                Final cover requirements - existing
- (7). 329 IAC 10-23-3(c)(5)        Post closure cost estimate leachate table
- (8). 329 IAC 11-1-4                    Variances
- (9). 329 IAC 11-3-1-(5)               Segregated Wastes
- (10). 329 IAC 11-21-2                Inspections and recovery of costs

**(f) AMENDMENTS:**

(1). 329 IAC 10-1-3 amended to read "Sec. 3 Penalties for violation of this ordinance shall be governed by IC 13-7-13-1, IC 13-7-13-3, IC 13-7-13-4.11

(2). 329 IAC 10-20-4-(b) amended to read "(b) Cattle, hogs, poultry, or other livestock are prohibited from any filled area."

**Section 4.** Except as otherwise provided in this Ordinance, any Solid Waste Processing Facility (S.W.P.F.) or Solid Waste Land Disposal Facility (S.W.L.D.F) located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 329 IAC 10, 11, and IC 13-20.

**Section 5.** The owner and/or operator of any S.W.P.F. or S.W.L.D.F. required to obtain an operating permit pursuant to 329 IAC 10 and 329 IAC 11 shall also be required to obtain a permit to operate in Hendricks County.

**Section 6.** Application for a local permit must be made at least thirty(30) days prior to initial date of operation or permit expiration. Applicants must submit copies of all applicable federal, state, and local permits and approvals with Health Department application. The applicant shall be required to file a duplicate form of the application, copy of all plans and specifications by state required under 329 IAC 10 and 329 IAC 11 with the Hendricks County Health Department (H.C.H.D.).

Application must be made on forms provided by the Hendricks County Health Department. Local Operating permits shall be issued annually. Owners and/or operators of S.W.P.F. and S.W.L.D.F. located in Hendricks

County which \*.have I.D.E.M. operating permits on the effective date of this Ordinance will be presumed to be in compliance with the terms of this ordinance and will be issued a Local Permit by H.C.H.D. upon payment of the annual fee.

**Section 7.** An annual permit fee shall be required for each S.W.P.F. and S.W.L.D.F.; if a site contains more than one type of Solid Waste Facility, then a separate permit will be required for each facility.

**Section 8.** The permit fee will be set in the fee schedule overseeing the collection of fees. The annual fee is specified in the Hendricks County Ordinance for the Collection of Fees. Hendricks County reserves the right to waive permit fees for publicly owned and operated facilities.

**Section 9.** It shall be the responsibility of the facility owner and/or operator to submit to the Hendricks County Health Department the following reports, if applicable: quarterly waste disposal summary reports; groundwater monitoring well sample reports; stream sample reports; leachate recirculation reports; or other reports and notifications required by I.D.E.M.; and reports requested by the H.C.H.D or any other county, state, or federal department or agency.

**Section 10.** It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this ordinance. these activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining solid waste samples, obtaining ground water samples, obtaining surface water samples, inspecting and sampling loads, monitoring activities, and other duties.

**Section 11.** Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time the matter shall be referred to the attorney for the Hendricks County Health Department for appropriate legal action and possible revocation or modification of permit, as specified in Section 12 of this Ordinance.

**Section 12.** Any permit granted by the H.C.H.D. may be revoked or modified by the Health Department for any of the following causes;

A. Violation of any condition of the permit;

B. Failure to disclose all of the relevant facts, or any misrepresentation made

in obtaining the permit;

C. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the H.C.H.D. may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

**Section 13.** Each section, subsection, sentence, clause, and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof.

**Section 14.** This Ordinance shall apply to the entirety of Hendricks County. All ordinances and all portions of ordinances, including but not limited to the Hendricks County Ordinance No. 1979-9, and Ordinance No. 96-16, in conflict herewith are repealed or superseded.\* This ordinance shall be in full force. and effective immediately upon and after its adoption and publication as required by law.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 1st day of June, 1998.

#### **BOARD OF COUNTY COMMISSIONERS**

Hendricks County, Indiana

John D. Clampitt

John A. Daum

David E. Underhill

Debbie Simpson (Attest: County Auditor)